

Jay W. Eisenhofer
 Geoffrey C. Jarvis
 Michael J. Barry
 Mary S. Thomas (State Bar No. 175110)
 GRANT & EISENHOFER P.A.
 Chase Manhattan Centre
 1201 North Market Street
 Wilmington, DE 19801
 Tel: 302.622.7000
 Fax: 302.622.7100
 jeisenhofer@gelaw.com

Merrill Glen Emerick (State Bar No. 117248)
 ANDERLINI, FINKELSTEIN, EMERICK & SMOOT
 400 S. El Camino Real – Suite 700
 San Mateo, CA 94402
 Tel: 650.348.0102
 Fax: 650.348.0962
 memerick@afeslaw.com

*Attorneys for Proposed Lead Plaintiff
 The New York City Employees' Retirement System*

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

**MARTIN VOGEL and KENNETH
 MAHONEY, on Behalf of Themselves and
 All Other Similarly Situated,**

Plaintiffs,

v.

**STEVEN JOBS, PETER OPPENHEIMER,
 FRED ANDERSON, WILLIAM V.
 CAMPBELL, MILLARD S. DREXLER,
 ALBERT GORE, Jr., ARTHUR D.
 LEVINSON, JEROME B. YORK and
 APPLE COMPUTER, INC.,**

Defendants.

Case No.: C06-05208-MHP

**CERTIFICATION OF COUNSEL FOR
 PROPOSED LEAD PLAINTIFF THE
 NEW YORK CITY EMPLOYEES'
 RETIREMENT SYSTEM PURSUANT
 TO LOCAL RULE 3.7(d)**

Judge: Honorable Marilyn H. Patel

CERTIFICATION OF COUNSEL FOR PROPOSED
 LEAD PLAINTIFF THE NEW YORK CITY
 EMPLOYEES' RETIREMENT SYSTEM
 PURSUANT TO LOCAL RULE 3.7(d)
 Case No.: C06-05208-MHP

1 We, the undersigned named counsel for Proposed Lead Plaintiff The New York City
2 Employees' Retirement System, each hereby certify pursuant to Local Rule 3 7(d), as follows:

3 1 I do not personally own any common stock or any other securities issued by
4 Apple Computer, Inc ("Apple")

5 2. I do own mutual funds that may or may not have holdings in Apple. I am not
6 aware, however, of any mutual fund in which I invest that actually has an ownership interest in
7 any Apple securities. I do not have any discretionary authority with regard to the particular
8 investments made by any mutual funds in which I have a beneficial interest

9 We declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is
10 true and correct Executed this 25th day of October, 2006

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